

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11770US03

In the Reissue Application of:

AINSWORTH et al.

Serial No. 09/143,503

Filed: August 28, 1998

Patent No. 5,554,121

Issued: September 10, 1996

For: INTRALUMINAL CATHETER WITH
HIGH STRENGTH PROXIMAL
SHAFT



Examiner: John D. Yasko, Jr.

Group Art Unit: 3763

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 1, 2000.

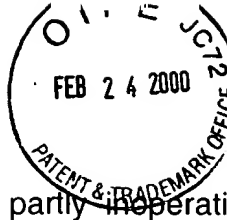
22 (CFW) 2/24/00
By: George Wheeler
George Wheeler
Reg. No. 28,766

**SUPPLEMENTAL DECLARATION
for
REISSUE PATENT APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231
Box Reissue

Each applicant identified below hereby declares as follows:

1. I believe the original U.S. Patent No. 5,554,121 to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent.
2. In particular, respecting the error identified below, I believe that the



original U.S. Patent No. 5,554,121 is partly inoperative by reason of the patentee claiming less than the patentee had the right to claim in the patent.

3. The following is one error being relied upon as the basis for reissue. Claim 1 of U.S. Patent No. 5,554,121 as originally issued requires as one element a dilatation balloon. Claim 1 recites:

"1. A balloon dilatation catheter comprising:

a) a proximal catheter shaft portion formed at least in part of an extruded engineering thermoplastic polymeric material with a tensile strength greater than 10,000 psi, an elongation greater than 50% and a tensile modulus greater than 300,000 psi, having proximal and distal ends and having a first inner lumen extending therein to the distal end;

b) a distal catheter shaft portion being more flexible than the proximal catheter shaft portion, having proximal and distal ends and a second inner lumen extending from the proximal end of the distal shaft portion to a location proximal to the distal end of the distal catheter shaft portion and being in fluid communication with the first inner lumen extending within the proximal catheter shaft portion; and

c) an expandable dilatation balloon on the distal catheter shaft portion having an interior in fluid communication with the second inner lumen extending within the distal shaft portion."

(Emphasis added.) On information and belief, claim 1 of U.S. Patent No. 5,554,121 includes less than the patentee is entitled to claim because the invention described in the specification of U.S. Patent No. 5,554,121 is not limited to balloon catheters.

4. For example, the specification of U.S. Patent No. 5,554,121, in the Summary of the Invention section, states:

"This invention is directed to an intraluminal catheter which has at least

part of the shaft thereof formed of a melt processable engineering thermoplastic polymer material and preferably an aromatic polymer.”

U.S. Patent No. 5,554,121, col. 1, lines 58-61. On information and belief, the quoted part of the specification supports claims to an intraluminal catheter that does not have a dilatation balloon.

5. Every error in the patent that was corrected in the present reissue application, and that is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

6. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this declaration.

7. I believe the named inventors to be the original and the first inventors of the subject matter which is claimed and for which a patent is sought.

8. I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR 1.56.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This declaration names 3 inventor(s) below.

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(Signed by Robert D. Ainsworth on behalf of the omitted inventor)

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Date Signed: _____
